

AMENDED IN SENATE JUNE 29, 2010

AMENDED IN SENATE JUNE 2, 2010

AMENDED IN ASSEMBLY JUNE 2, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 1373**

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### Introduced by Assembly Member Lieu

February 27, 2009

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An act to add Section 17537.10 to the Business and Professions Code, relating to advertising.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1373, as amended, Lieu. Advertising: grant deed copy services. Existing law provides that certain advertising-related practices are unlawful and makes a violation of those provisions a crime.

This bill would make it unlawful for any person, firm, corporation, association, or any other business entity to make any untrue or misleading statements in any manner in connection with the offering or performance of a grant deed copy service, defined as ~~any service performed or offered to be performed for compensation in connection with obtaining a copy from the county recorder of a service, offered through a mailed solicitation to a property owner, to obtain, for compensation, a copy of the~~ property owner's grant deed or other record of title, ~~including a public records copy service~~. The bill would make it unlawful to offer to perform this service without making specified disclosures. Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 17537.10 is added to the Business and  
2 Professions Code, to read:

3 17537.10. (a) It is unlawful for any person, firm, corporation,  
4 association, or any other business entity to make any untrue or  
5 misleading statements in any manner in connection with the  
6 offering or performance of a grant deed copy service. For the  
7 purpose of this section, an “untrue or misleading statement”  
8 includes, but is not limited to, any representation, with regard to  
9 property identified by its address or assessor’s parcel number, that  
10 any of the following is true:

11 (1) That due to property foreclosures and loan modifications in  
12 the county where the property is located, the property owner should  
13 obtain a copy of his or her grant deed or other record of title.

14 (2) That a governmental entity, or any other entity that includes  
15 in its name words that could lead a person to reasonably believe  
16 that the entity is affiliated with government, has recommended  
17 that a property owner should have a copy of his or her grant deed  
18 or other record of title.

19 (3) That the offeror of the grant deed copy service is, or is  
20 affiliated with, any governmental entity. A violation of this  
21 paragraph includes, but is not limited to, the following:

22 (A) The misleading use of any governmental seal, emblem, or  
23 other similar symbol.

24 (B) The use of a business name including the words “title” or  
25 “grant deed” or “public record” and the word “agency,” “bureau,”  
26 “department,” “division,” “federal,” “state,” “county,” “city,” or  
27 “municipal,” or the name of any city, county, city and county, or  
28 any governmental entity.

29 (C) The use of an envelope that simulates an envelope containing  
30 a government check, tax bill, or government notice or an envelope

1 that otherwise has the capacity to be confused with, or mistaken  
2 for, an envelope sent by a governmental entity.

3 (D) The use of an envelope or outside cover or wrapper in which  
4 a solicitation is mailed that does not bear on its face in capital  
5 letters and in conspicuous and legible type the following notice:  
6 “THIS IS NOT A GOVERNMENT APPROVED OR  
7 AUTHORIZED DOCUMENT.”

8 (4) That there is a fee payment deadline to obtain a copy of a  
9 property owner’s grant deed or other record of title.

10 (b) (1) It is unlawful to offer to perform a grant deed copy  
11 service without making the following disclosure:

12  
13 “THIS SERVICE TO OBTAIN A COPY OF YOUR GRANT  
14 DEED OR OTHER RECORD OF TITLE IS NOT ASSOCIATED  
15 WITH ANY GOVERNMENTAL AGENCY. YOU CAN OBTAIN  
16 A COPY OF YOUR GRANT DEED OR OTHER RECORD OF  
17 TITLE FROM THE COUNTY RECORDER IN THE COUNTY  
18 WHERE YOUR PROPERTY IS LOCATED FOR [AMOUNT  
19 OF FEE FOR THE COPY OF A GRANT DEED OR OTHER  
20 RECORD OF TITLE IN THAT COUNTY].”

21  
22 (2) The disclosure specified in paragraph (1) shall be placed at  
23 the top of each page of every advertisement or promotional material  
24 disseminated by an offeror of a grant deed copy service and shall  
25 be printed in 14-point boldface type enclosed in a box formed by  
26 a heavy line.

27 (3) The disclosure specified in paragraph (1) shall be recited at  
28 the beginning of every oral solicitation and every broadcast  
29 advertisement and shall be delivered in printed form as prescribed  
30 by paragraph (2) before the time each person who responds to the  
31 oral solicitation or broadcast advertisement is obligated to pay for  
32 the service.

33 (c) For purposes of this section, “grant deed copy service” ~~means~~  
34 ~~any service performed or offered to be performed for compensation~~  
35 ~~in connection with obtaining a copy from the county recorder of~~  
36 ~~a property owner’s grant deed or other record of title and includes~~  
37 ~~a public records copy service.~~ *means a service offered by a person,*  
38 *firm, corporation, association, or any other business entity, through*  
39 *a mailed solicitation to a property owner, to obtain, for*

1 *compensation, a copy of the property owner's grant deed or other*  
2 *record of title.*

3 SEC. 2. No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution because  
5 the only costs that may be incurred by a local agency or school  
6 district will be incurred because this act creates a new crime or  
7 infraction, eliminates a crime or infraction, or changes the penalty  
8 for a crime or infraction, within the meaning of Section 17556 of  
9 the Government Code, or changes the definition of a crime within  
10 the meaning of Section 6 of Article XIII B of the California  
11 Constitution.